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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,292	04/18/2001	Tomoyuki Okada	2001-0453	6901

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2621

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,292

Applicant(s)

OKADA ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment and Response of 6/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,20 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,20 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/443,498.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2621.

Response to Arguments

1. Applicant's arguments filed 6/14/06 have been fully considered but they are not persuasive.

{A} In re page 7, "the flag ... indicates whether or not video data exists in the ... VOB." & "Kikuchi does not correspond to the claimed validity flag, since the two flags have different purposes."

As claimed, " ... a validity flag .. to a valid state when ... a first object ... to an invalid when ... a second object", wherein the first object comprises an intra-coded picture.

Kikuchi's flag when valid = 1 for example, means there is video in the video object, in other words a decodable I frame data exists, when invalid, there is no I frame or no video in the VOB, therefore, is an invalid jump point, because there is no video or GOP in the VOB.

Kikuchi jumps to I frames in VOB, based in the Flag = 1 means valid and Flag = 0 means invalid, having/not Groups Of Pictures, GOP/GOF, having an I frame at the head, in accord to MPEG 2.

Kikuchi has been relied upon for the Flags, the arguments directed toward other used prior art, deemed moot.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28 and 31 are rejected under 35 U.S.C. 101 because the claimed invention he claimed invention is directed to non-statutory subject matter.

Claim 28 has comprises:

a) the functional descriptive material is (VIDEO and AUDIO DATA); and

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b) the functional descriptive material (management information, map information and validity flags), but is still deemed non-statutory because there exist no claim language defining the functional relationship between the functional and non-functional descriptive materials.

To amend to a statutory claim, as presently understood, the examiner also suggests adding language such as, "the management information is used to reproduce the audio and video data in a reproduction apparatus", thereby reciting the NEXUS or relationship between the functional and non-functional descriptive materials, should satisfy 101 requirements, as presently understood.

The primary examiner offers assistance in this case to resolve any issues, 101 and 103, as presently applied the examiner deems the claims to be reject-able under art 103 (all) and 101 (medium claims 28 and 31), rejections.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 18, 20, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami et al. (US 5,881,203) in view of Tanoue et al. (US 6,298,033) and Kikuchi et al. (US 5,870,523).

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The examiner incorporates by reference the last action against claims 18 and 20.

Claim 28 is analyzed and discussed with respect to the claims above (claims 18 and 20).

Regarding claims 29, 30 and 31, Kikuchi provides for a time map and associated address for conversion from the time domain to address domain (col. 14, lines 46-56 & col. 15, lines 15-33).

On the alternative the examiner takes official notice that time to address map is well known to take a time and locate the address corresponding to a search time being an alternative to locate a desired position in relation to time information, therefore it would have been obvious to one skilled in the art at the time of the invention to provide a time-address map having advantages of allowing locating of desired points based on time, as is well known and obvious to those skilled in the art.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

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Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
9/5/06


VINCENT BOCCIO
PRIMARY EXAMINER